

Before the  
Federal Communications Commission  
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Assessment and Collection  
of Regulatory Fees for  
Fiscal Year 2001

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MD Docket No. 01-76

**COMMENTS OF IPWIRELESS, INC.**

IPWireless, Inc., by its attorneys, respectfully submits these Comments in response to the Federal Communications Commission's March 29, 2001 Notice of Proposed Rulemaking<sup>1</sup> in the above-captioned docket. Specifically, IPWireless requests that the Commission expressly clarify that the assessment of regulatory fees on an Multichannel Multipoint Distribution Service ("MMDS") station on a "per call sign"<sup>2</sup> basis applies specifically to the "lead call sign" associated with MMDS system's main transmitter site, and that annual regulatory fees will not be assessed for additional call signs assigned within a single MMDS system, including call signs assigned to the response station hubs or booster stations associated with a system's lead call sign.

**INTRODUCTION**

IPWireless is a provider and developer of Advanced Broadband Wireless Services, expressly designed to operate in the United States in the 2500-2690 megahertz spectrum band ("2.5 GHz Band"). IPWireless was founded in April 1999 with a core mission to develop an Advanced Broadband Wireless technology that (1) would provide very high-speed wireless Internet (and enterprise network) access services to educational, residential and small business customers, (2) would be simple to install and affordable to those customers, (3) could be

<sup>1</sup> *Assessment and Collection of Regulatory Fees for Fiscal Year 2001*, MM Docket No. 01-76, FCC 01-97, Notice of Proposed Rulemaking (rel. March 29, 2001) ("Notice").

provided in the United States in currently-allocated spectrum, and (4) would fully comply with international standards. In its two years of existence, IPWireless has accomplished its core mission.

Unlike many network designs for systems operating in the 2.5 GHz Band, the IPWireless technology utilizes a cellularized network architecture. Specifically, the IPWireless system architecture has been designed so that the cell radius in a typical suburban environment will be comparable to the cell radius of existing wireless systems, including personal communication service (“PCS”) systems. This allows for the use of existing cellular and PCS towers, minimizing the costs and environmental considerations associated with the construction and maintenance of new towers, thereby helping to speed deployment. This also enables IPWireless to provide non-line-of-sight service and to achieve building penetration.

#### DISCUSSION

Like other MMDS licensees operating in the 2.5 GHz Band, IPWireless would be required by the fee schedule contained in Attachment D of the Notice to remit payment of \$450 annually “per call sign” licensed to IPWireless.<sup>3</sup> Although the Commission’s NPRM contains no explanation for the term “call sign,” the term “lead call sign” has traditionally been applied to an MMDS system’s main station operating in the 2.5 GHz Band. A “lead call sign” is assigned to the main station of an MMDS system throughout the system’s protected service area. A single “lead call sign” has generally been assigned by the Commission to the MMDS system’s main station, regardless of whether that system is licensed for a single channel or an entire channel group. In contrast, the Mass Media Bureau generally assigns subsidiary call signs (the lead call sign followed by a –BXX designation for boosters or by an –HXX designation for response

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<sup>2</sup> *Id* at Att. F ¶ 29.

station hubs) to associated “cellular” facilities operating in conjunction with that system’s main transmitter site.

The recent authorization of two-way services in the 2.5 GHz Band has nearly doubled the number of MMDS facilities licensed, making the definition of “per call sign” as it pertains to annual regulatory fees an important issue for IPWireless and other operators who are developing and deploying advanced, two-way broadband services for the benefit of U.S. consumers, businesses, educators and students. One-way systems traditionally utilized a single, tall transmitter site as their main station, as well as many receive sites. However, IPWireless and other operators have been recently authorized to construct well over one thousand new booster and response station hub sites.

With this cellularized network architecture, IPWireless needs certainty regarding the applicability of the term “call sign” in order to ensure that it remits its regulatory fees properly. Therefore, IPWireless respectfully requests that the Commission clarify that the term “call sign,” at least as it pertains to MMDS stations operating in the 2.5 GHz Band, applies to the “lead call sign” assigned to a specific system’s main transmitter site, and does not apply individually to subsidiary call signs assigned to any booster stations or response station hubs which may be authorized to operate in association with the main station. Such a clarification is particularly important because the Bureau is increasingly creating new “call signs” when granting applications other than new systems. For example, the Bureau recently assigned new lead call signs when accepting numerous applications for MMDS response station hubs and booster stations.<sup>4</sup> Further, the Bureau may issue new call signs if operators in the 2.5 GHz Band

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<sup>3</sup> *Id* at Att. D.

<sup>4</sup> See *Mass Media Bureau Instructional Television Fixed Service, Multipoint Distribution Service Accepted for Filing*, Public Notice, Report No. 355 (rel. April 26, 2001). The lead call signs in generated in this public notice

effectuate channel swaps. None of these activities, however, create a new system that should require payment of an additional fee.

This clarification would be consistent with the traditional use of the term “call sign” within the MMDS industry. Indeed, the Notice describes an MMDS system as one that “involves a variety of transmitters, which are used to relay programming to the home or office.”<sup>5</sup> Further, such a clarification would be consistent with the Commission’s determination that “[t]here are approximately 2000 MDS/MMDS/LMDS stations currently licensed,”<sup>6</sup> and that it would use this number of call signs in its calculations to ensure it obtained the appropriate amount of annual regulatory fees from these operators.<sup>7</sup> Any other determination by the Commission would greatly increase the costs of operators striving to deliver advanced broadband services in the 2.5 GHz Band, particularly those deploying cellularized architectures. It could also discriminate against operators of cellularized systems in favor of single-cell operators, which would be contrary to the Commission’s stated goal of encouraging the deployment of advanced two-way broadband service in the 2.5 GHz Band without unduly favoring a single class of technology.<sup>8</sup>

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appear to often be based on a new type of naming convention, one that uses all numbers rather than coding by letters and numbers.

<sup>5</sup> Notice at Att. A ¶ 30.

<sup>6</sup> *Id.* at Att A ¶ 30. For annual regulatory fees, the Commission proposed grouping MDS, MMDS and LMDS licensees together in the same category. *Id.*

<sup>7</sup> *Id.* at Att C.

<sup>8</sup> *Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, including Third Generation Wireless Systems*, ET Docket No. 00-258, FCC 00-455, Notice of Proposed Rulemaking and Order ¶¶ 13, 17, 27 (rel. Jan. 5, 2001).

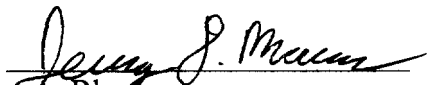
## CONCLUSION

Accordingly, IPWireless requests the Commission expressly confirm that the term “call sign” as it pertains to MMDS operators in the 2.5 GHz Band means the “lead call sign” assigned to a particular MMDS system’s main transmitter site only.

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